GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Municipal Administration and Urban Development Department – Kandukur Municipality, Prakasam District – .Deletion and inclusion of certain areas from and into the limits of Kandukur Municipality – The Hon'ble High Court quashed the orders – Restoration of the position prior to issue of G.O. - Notification – Orders - Issued.

MUNICIPAL ADMINISTRATION AND URBAN DEVELOPMENT (G2) DEPARTMENT

G.O.MS.No. 158 Dated: 24-04-2017
Read the following:-

1. G.O.Ms.No.14 Panchayat Raj & Rural Development (Pts.IV) Department. Dated 16.01.2007.
2. G.O.Ms.No.15 Panchayat Raj & Rural Development (Pts.IV) Department. Dated 16.01.2007.
3. G.O.Ms.No.22, Municipal Administration & Urban Development., Department. Dated 16.01.2007.
4. From Hon'ble High Court of A.P., Hyderabad Order dated 28.07.2010 in W.P.Nos7003 of 2006 and 2256 of 2007 and18257/2008.
5. From the District Collector, Prakasam Lr.Roc.No.4643/94/(Pts.)A3, dated 05.12.2016.

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O R D E R :-

In the G.O. 3rd read above, Government in Municipal Administration and Urban Development Department have issued notification for excluding the following areas from the limits of Kandukur Municipality;-

8th ward :	(a) Devivaripalem (b) Ganigunta (c) Anandapuram.
9th ward :	(a) Chuttagunta (b) Gallavaripalem (c) Mukkodipalem (d) Kandravaripalem.
10th ward :	(a) Shamirpalem (b) Anandapuram-(SC Colony) and (c) Anandapuram – (ST Colony).

2. Further, the following areas were included the Mahadevapuram Gram Panchayats into the limits of Kandukur Municipality as these areas are at distance of 50 feet to the built-up area of Kandukur Town in the said G.O;-

(1) 6th ward – Vasavinagar
(2) 7th ward – Revenue colony,
(3) 7th ward – Kalavakurivari Palem(Part)

(P.T.O.)

3. Aggrieved by the above Notification Sri K. Malyadri & others have filed the W.P.Nos7003 of 2006 and 2256 of 2007 and 18257/2008 in the Hon'ble High Court of Andhra Pradesh, Hyderabad.

4. In the judgement reference 4th read above, the Hon'ble High Court in its Common Order dt.28.07.2010 in said W.Ps has passed the following orders;-

> "So far as the relief claimed vis-a-vis G.O.Ms.No.63, dated 18.02.2006 is concerned, this Court is of the view that it cannot be set aside as long as it is intra vires the provisions of the Act. All the same, respondent No.1 is required to pay due attention to the structure thereof, lest it becomes a precedent for a subordinate legislation, to become a sub-standard legislation.
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> Hence, W.P.No.7003 of 2006 is disposed of holding that the Rules framed by the Government in exercise of powers under Sections 3 (1A) and 326 of the Act do not suffer from any legal infirmity, but the same need to be restructured and reframed, even while retaining the scheme contained therein, by taking the assistance of the persons conversant with the drafting and framing of the provisions of law".
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> "W.P.Nos.2256 of 2007 and 18257/2008 are allowed and G.O.Ms.No.22, dt.16.01.2007 and all other consequential proceedings issued thereafter are quashed. Three months time is given to the respondents, to restore the position, that obtained prior to the issuance of the said G.O. in all respects---------".

5. Against the above orders the Government have filed writ appeal petitions before the Hon'ble High Court of Andhra Pradesh in W.A.No.177/2011 and 178/2011. Later the said two writ appeals were withdrawn as desired by the Government on 04-08-2016.

6. In the letter 5th read above, the District Collector, Prakasam District has stated that on withdrawal of writ appeals filed by the Government and in pursuance of the Hon'ble High Court orders dt.04.10.2016, the Hon'ble High Court Common order dt.28.07.2010 holds good. He has therefore requested the Government to issue necessary orders on the orders passed by the Hon'ble High Court of Andhra Pradesh dt.28.07.2010 for restoration of the original position of the Kandukur Municipality.

7. Government after careful examination of the matter have decided to rescind the notification issued in the G.O.3rd read above.

8. Accordingly, the following notification will be published in Extra-ordinary issue of the Andhra Pradesh Gazette, dated 24-04-2017.

(Contd..3)

9. The Commissioner of Printing, Stationary and Stores Purchase, Andhra Pradesh, Vijayawada is requested to publish and furnish (50) copies of the Gazette notification to the Government.

NOTIFICATION

In exercise of the powers conferred by sub section (1-A) of section 3 of the Andhra Pradesh Municipalities Act, 1965, read with section 15 of the Andhra Pradesh General Clauses Act, 1891 (Act No 01 of 1891), the Governor of Andhra Pradesh hereby rescinds the notification issued in G.O.Ms.No.22 Municipal Administration & Urban Development (Elec.II) Department., dated 16th January, 2007, wherein the areas namely 8th ward- (a) Divivaripalem (b) Ganigunta (c) Anandapuram, 9th ward - (a) Chuttagunta (b) Gallavaripalem c) Mukkodipalem (d) Kandravaripalem and 10th ward - (a) Shammirpalem (b) Anandapuram-(SC Colony) and (c) Anandapuram - (ST colony) excluded from the limits of Kandukur Municipality and the areas namely 6 ward-Vasavinagar, 7th ward- Revenue colony and 7th ward- Kalavakurivaripalem (part) included into the limits of Kandukur Municipality for restoration of the original position, that obtained prior to issue of the said notification.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

R. KARIKAL VALAVEN
PRINCIPAL SECREATRY TO GOVERNMENT

To
The Commissioner of Printing, Stationery and Stores Purchase, A.P.
The Panchayat Raj & Rural Development (Ele & Rules) Department.
The Director of Municipal Administration, AP, Guntur.
The District Collector, Prakasam District, Ongole.
The Special Officer, Kandukur Municipality.
The Commissioner, Kandukur Municipality.
The Law (I) Department.
Copy to :
The P.S to M (MA&UD)
The P.S. to Secretary to C.M.
The P.S. to Prl. Secretary (MA&UD) Dept.
The Secretary, State Election Commission, A.P.

//FORWARDED BY ORDER//

SECTION OFFICER